

# OAK RIDGE R2A2 MAPPING

Organization Office of Chief Counsel, CC-10

<b><i>Roles &amp; Responsibilities</i></b> (per ORO Manual 110)
<b>General</b> <ul style="list-style-type: none"> <li>• The Chief Counsel directly manages the following functions: <ul style="list-style-type: none"> <li>* Provides legal counsel as to the authority for and legal implications of ORO activities.</li> <li>* Takes appropriate action to protect DOE interests in litigation and administrative proceedings.</li> <li>* Approves, for legal sufficiency, claims by or against the Government.</li> <li>* Prepares or approves nonstandard management and operating and other prime contract language.</li> <li>* Prepares or approves, as to legal adequacy and propriety, other contractual and environmental compliance documents, delegations of authority, DOE Orders, and other legal documents and prepares all legal interpretations thereof.</li> <li>* Reviews contractor purchase orders, subcontracts, and other legal documents that require DOE approval.</li> <li>* Participates in contract and environmental compliance agreement negotiations to which ORO is a party, and provides related legal counsel and assistance.</li> <li>* Grants patent approval for release or declassification of publications, speeches, or reports.</li> <li>* Prepares patent applications, amendments, and appeals for filing by DOE in the United States Patent and Trademark Office and the Canadian Patent Office, and prepares patent applications and directions for associate counsels in other foreign countries to file on behalf of DOE.</li> </ul> </li> </ul>

What Does this organization do for the department?  
Is it in **direct or indirect** support of Departmental missions?

<b><i>Accountabilities</i></b> (Internal and External)
<b>External</b> <ul style="list-style-type: none"> <li>• General Counsel, DOE (Professional Reporting Relationship)</li> <li>• Deputies General Counsel, DOE</li> <li>• Assistant General Counsel for Technology Partnering and Intellectual Property</li> <li>• Office of Administrative Operations, GC-90 (Litigation Management)</li> <li>• Office of General Counsel “partners” in cases and on issues</li> <li>• Major Contractor Counsel (when consultation sought)</li> <li>• United States Department of Justice (including respective U.S. Attorneys)</li> <li>• Federal and Administrative Law Judges</li> <li>• Members of Congress (when Congressional inquiries raised relevant to FOIA and Privacy Act matters)</li> <li>• Federal and State Regulators (<u>e.g.</u>, EPA, TDEC, etc.)</li> <li>• Counsel in other DOE Operations Offices and Service Centers (when counsel requested)</li> <li>• State Bar Associations (for Ethical and Legal Education Compliance)</li> </ul> <b>Internal</b> <ul style="list-style-type: none"> <li>• Manager, ORO (Appraisal process)</li> <li>• Deputy Managers, ORO</li> <li>• Assistant Managers, ORO</li> <li>• Site Office Managers (Paducah, Portsmouth, TJNAF, Weldon Spring)</li> <li>• OSTI Manager</li> <li>• Y-12 Site Office Manager and staff (under DOE-NNSA Services Agreement)</li> <li>• Contracting Officers</li> <li>• Nonsupervisory ORO employees who seek work-related counsel</li> </ul>

To whom is this organization accountable to?  
How is accountability assured? External Review

<b><i>Authorities Delegated</i></b>	
<i>Type</i>	<i>From</i>
<u>Primary Statutes and Implementing Regulations</u>  Anti-Deficiency Act Atomic Energy Act Bayh-Dole Act Civil Rights Act of 1964 Clean Air Act Clean Water Act Competition in Contracting Act Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Davis-Bacon Act Department of Energy Act Department of Energy Reorganization Act Economy Act Energy Policy Act of 1992 Ethics in Government Act Federal Advisory Committee Act Federal Tort Claims Act Freedom of Information Act National Environmental Policy Act (NEPA) National Labor Management Relations Act National Technology Transfer and Advancement Act of 1995	Federal Statutes and Regulations Secretary of Energy Manager, ORO General Counsel, Department of Energy Assistant General Counsel for Intellectual Property and Technology Transfer, Department of Energy Contracting Officers

What authorities are vested in the organization that allows these responsibilities to be carried out?  
Appraisal?

**TYPES of DELEGATIONS:**  
 Letter from DOE/HQ (i.e., Secretary, Deputy Secretary, Assistant Secretary, etc.)  
 Federal Law (29CFR1910, 10CFR830, etc.)  
 DOE Directives (i.e., DOE Order 521.1A)  
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Organization Office of Chief Counsel, CC-10 (page 2)

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<ul style="list-style-type: none"> <li>* Administers the patent aspects of DOE contracts and subcontracts.</li> <li>* Processes and negotiates the patent and technical data aspects of requests for waiver of DOE's patent rights to inventions made under DOE contracts and subcontracts.</li> <li>• Support to Office of Scientific and Technical Information (OSTI):                         <ul style="list-style-type: none"> <li>* Provides legal services to OSTI in the functional areas described above.</li> </ul> </li> <li>• Freedom of Information Act (FOIA) and Privacy Act:                         <ul style="list-style-type: none"> <li>* The FOIA and Privacy Act Officer (Officer) is organizationally assigned to the Office of Chief Counsel. The Office of Chief Counsel provides legal advice to the Officer on FOIA and Privacy Act issues and concurs in any recommendation by the Officer that access to a particular record should be denied.</li> </ul> </li> <li>• Support to Y-12 Site Office, National Nuclear Security Administration (NNSA):                         <ul style="list-style-type: none"> <li>* Pursuant to the Service Arrangement between Oak Ridge Operations Office and Y-12 Site Office, NNSA, the Office of Chief Counsel provides legal and FOIA/Privacy Act services to the Y-12 Site Office.</li> </ul> </li> </ul> <p><b>Specialized</b></p> <ul style="list-style-type: none"> <li>• Lead counsel in MSPB, EEOC, FLRA, DOL, and personnel security cases.</li> <li>• Lead counsel in contract-related administrative cases (GAO protests, EBCA appeals, etc.)</li> <li>• Lead counsel in environmental administrative cases.</li> <li>• Co-counsel with Justice Department, U.S. Attorneys in federal court proceedings.</li> </ul>		<table border="1"> <tbody> <tr> <td data-bbox="1312 1214 2047 1299"> What authorities are vested in the organization that allows these responsibilities to be carried out?  Appraisal? </td> </tr> <tr> <td data-bbox="1312 1323 2047 1523"> <p><b><u>TYPES of DELEGATIONS:</u></b>  Letter from DOE/HQ (i.e., Secretary, Deputy Secretary, Assistant Secretary, etc.)  Federal Law (29CFR1910, 10CFR830, etc.)  DOE Directives (i.e., DOE Order 521.1A)  Interagency Agreements (i.e., State, EPA, NRC, etc.)  Include implied Authorities</p> </td> </tr> </tbody> </table>	What authorities are vested in the organization that allows these responsibilities to be carried out? Appraisal?	<p><b><u>TYPES of DELEGATIONS:</u></b>  Letter from DOE/HQ (i.e., Secretary, Deputy Secretary, Assistant Secretary, etc.)  Federal Law (29CFR1910, 10CFR830, etc.)  DOE Directives (i.e., DOE Order 521.1A)  Interagency Agreements (i.e., State, EPA, NRC, etc.)  Include implied Authorities</p>						
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Organization Office of Chief Counsel, CC-10 (page 3)

Roles & Responsibilities (per ORO Manual 110)	Accountabilities (Internal and External)	Authorities Delegated				
<ul style="list-style-type: none"><li>• Co-counsel with Office of General Counsel in major cases.</li><li>• Author dispositive motions, other pleadings in federal court proceedings.</li><li>• Render decisions in Federal Tort Claims.</li><li>• Prepare comprehensive Litigation Reports to Deputy General Counsel.</li><li>• Brief Office of General Counsel about status and developments in major DOE cases.</li><li>• Assist Department of Justice in <u>qui tam</u> proceedings.</li><li>• Enforce 10 CFR 202 (when DOE employees and/or documents subpoenaed).</li><li>• Monitor and oversee major contractor litigation (class actions, etc.).</li><li>• Constantly provide data to LMTS database (for hundreds of cases) and periodic litigation reports.</li><li>• Serve as Contracting Officers’ Representatives for six major contracts –<ul style="list-style-type: none"><li>* Monitors, oversees, and regulates outside counsel costs (under 10 CFR 719, FAR, and DEAR);</li><li>* Approves/disapproves contractor requests to retain outside counsel;</li><li>* Analyzes whether DOE must reimburse contractor litigation costs.</li></ul></li><li>• Prepare semi-annual forecasts of contingent legal liabilities.</li><li>• Prepare annual estimates of litigation costs.</li><li>• Periodically report whether unlawful intelligence activities may have occurred.</li><li>• Analyze and resolve classification and security issues (personnel and physical).</li><li>• Liaison with law enforcement, U.S. Attorneys on protests and crimes at NNSA sites.</li></ul>		<table><tr><th>Type</th><th>From</th></tr><tr><td colspan="2"><u>Primary DOE Directives</u>  Numerous DOE Orders, virtually all of which require DOE Counsel to play some role.  <u>Other Authorities</u>  Multiple Interagency Agreements (Federal Facilities Agreements, Work For Others Agreements, Memoranda of Understanding with Non-Government Entities, etc.)  Regulations Governing Proceedings in Administrative Tribunals (<u>e.g.</u>, MSPB, EEOC, FLRA, DOL)  Contracting Officer’s Representative for Litigation-Based matters (six contracts)</td></tr></table>	Type	From	<u>Primary DOE Directives</u>  Numerous DOE Orders, virtually all of which require DOE Counsel to play some role.  <u>Other Authorities</u>  Multiple Interagency Agreements (Federal Facilities Agreements, Work For Others Agreements, Memoranda of Understanding with Non-Government Entities, etc.)  Regulations Governing Proceedings in Administrative Tribunals ( <u>e.g.</u> , MSPB, EEOC, FLRA, DOL)  Contracting Officer’s Representative for Litigation-Based matters (six contracts)	
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Organization Office of Chief Counsel, CC-10 (page 4)

<i><b>Roles &amp; Responsibilities</b></i> (per ORO Manual 110)
<ul style="list-style-type: none"> <li>• Negotiate Federal Facility Agreements with EPA.</li> <li>• Negotiate regulatory issues with state regulatory agencies.</li> <li>• Negotiate consent decrees, other agreements with regulators.</li> <li>• Provide legal review/concurrence on realty documents.</li> <li>• Provide advice about workers' compensation and worker health and safety trends and innovations.</li> <li>• Review/concurrence on NEPA documents.</li> <li>• Provide expertise on environment, safety and health issues.</li> <li>• Serve as Legal Advisors on Source Evaluation Boards on major procurements.</li> <li>• Serve as Legal Advisors to Source Evaluation Panels.</li> <li>• Negotiate major contracts, <u>e.g.</u>, M&amp;O, M&amp;I contracts.</li> <li>• Review legal sufficiency of proposed major subcontracts.</li> <li>• Help formulate Contracting Officers' decisions.</li> <li>• Review/concurrence on Financial Assistance agreements (<u>e.g.</u>, Cooperative Agreements, grants, etc.)</li> <li>• Construe meaning of contract articles in controverted situations.</li> <li>• Act as Lead Counsel on Government Ethics issues--- <ul style="list-style-type: none"> <li>* Conduct annual mandatory training on employee ethics;</li> <li>* Ensure annual correct submission of hundreds of OGE-450 forms (which detect conflicts of interest);</li> </ul> </li> </ul>

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<ul style="list-style-type: none"> <li>* Provide ethics advice to individual employees;</li> <li>* Provide advice about permissible post-employment activities to current and former ORO employees.</li> <li>• Provide expertise on personnel and labor relations issues, prohibited personnel practices.</li> <li>• Ensure adherence to Work For Others (WFO) mandates ---                             <ul style="list-style-type: none"> <li>* Review and approve deviations to model language;</li> <li>* Negotiate deviations with prime contractors and participants;</li> <li>* Analyze issues regarding funds from other agencies' appropriations.</li> </ul> </li> <li>• Assess and resolve Appropriations Law Issues.</li> <li>• Analyze issues related to taxation of Oak Ridge contractors.</li> <li>• Help establish policy on patent and technical data.</li> <li>• Ensure protection of DOE-owned Intellectual Property (IP).</li> <li>• Address patent infringement claims against DOE facilities.</li> <li>• Help formulate policy on IP rights.</li> <li>• Prepare guidance on IP provisions for technology partnering agreements and manuals.</li> <li>• Negotiate terms and conditions of patent waivers with petitioners.</li> <li>• Recommend approval or denial of patent rights.</li> <li>• Concur in disposition of other IP rights.</li> </ul>			
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<i><b>Roles &amp; Responsibilities</b></i> (per ORO Manual 110)
<ul style="list-style-type: none"> <li>• Protect DOE rights by administering contractors' subject invention disclosures.</li> <li>• Review and approve contractor requests to assert copyrights.</li> <li>• Help develop and negotiate Cooperative Research and Development Agreements.</li> <li>• Administer program implementing the Privacy Act and FOIA for all Oak Ridge Elements.</li> <li>• Ensure compliance with standards for Systems of Records.</li> <li>• Implement new Systems of Records.</li> <li>• Help formulate contract clauses for implementing the Privacy Act and FOIA.</li> <li>• Ensure that prominently requested records are in public reading facilities and/or electronic reading rooms.</li> <li>• Periodically formulate and furnish Privacy Act and FOIA statistics to Office of Executive Secretary.</li> <li>• Exercise discretion to determine whether certain records are releasable.</li> <li>• Preclude releases of harmful information (<u>e.g.</u>, Homeland Security, proprietary, etc.).</li> <li>• Consult with (upon request) major contractor counsel about significant issues.</li> <li>• Negotiate agreements with other entities, <u>e.g.</u> other Federal agencies, law enforcement agencies.</li> <li>• Study emerging statutes, regulations, case law, etc. to impart accurate advice.</li> <li>• Provide counsel relevant to Inspector General, OSC, and GAO investigations.</li> <li>• Prepare/review responses to Congressional inquiries (when requested).</li> <li>• Counsel to Accident Investigation Boards.</li> </ul>

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